

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Attorney Docket No.: Actaris-6 (74.0241)

Applicant: Christophe LELEU

Serial No.: 09/914,512

PCT No.: PCT/FR00/00484

Int. Filing Date: February 25, 2000

Priority Date March 3, 1999

Title: A METHOD AND APPARATUS FOR MEASURING THE PROPAGATION
TIME OF A SIGNAL, IN PARTICULAR AN ULTRASOUND SIGNAL

PCT Legal Examiner: Rafael Bacares

Group Art Unit: Not yet assigned

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

S I R:

Renewed Petition Under 37 CFR 1.47(b)

I. Introduction

On January 15, 2002 Applicant filed a petition under 37 CFR 1.47(b) along with a Declaration, Power of attorney signed by Henri Dupont, Attorney in Fact. This Renewed Petition hereby expressly incorporates the previously filed petition which is of record thereby satisfying the Petition Requirements satisfied by the previous petition. The remaining petition requirements which need to be satisfied to have the petition granted are discussed and satisfied below.

On March 27, 2002, the Patent Office mailed a Decision in which the Petition was dismissed without prejudice. A time period of TWO (2) MONTHS from the mail date was set for filing a response. The Decision indicates that the time for responding may be extended. In order to extend the due date for the response from May 27, 2002, to Sept. 27, 2002 Applicant has filed, herewith, a request for a four (4) month extension of time.

In addition to satisfying the previously unsatisfied requirements for a 1.47(b) petition, Applicant has submitted herewith, in Appendix D, a new translation and has paid the \$130 fee for the late filing of the translation.

II. The Petition Requirements Have Now Been Satisfied.

Each of the grounds for rejecting the original Petition will now be discussed and addressed.

The Decision states:

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1), (3), (5) and (6) but not items (2) and (4) thus not completing the requirements under 37 CFR 1.47(b).

Herein Applicant will address items (2) and (4) thereby satisfying the requirements for the 37 C.F.R. 1.47(b) Petition to be granted.

A. Petition Item (2) Has Been Satisfied

In regard to requirement (2) the decision states:

... although applicant has concluded that Mr. LELEU has refused to sign the declaration the petition does not include sufficient proof to establish that inventor Mr. LELEU has refused to execute the application. The standards for proof are set forth in MPEP §409.03(d). ...

Applicant submits herewith in Appendix A, a Declaration of Michael P. Straub, Esq. setting forth facts establishing that a bona fide attempt was made to present a copy of the application papers to the non-signing inventor for signature and that the inventor refused to sign. The Declaration also establishes that additional diligent efforts were made to contact the non-signing inventor. The Declaration is supported by Attachments 1-4 attached to the Declaration. The Attachments include 1) a copy of a first August 7, 2002 letter, sent by Mr. Straub to the non-signing inventor's last known address with a complete copy of the patent application, requesting that the declaration for the above referenced patent application be executed and returned for filing with the U.S. Patent Office; 2) Federal

Express proof that the first letter addressed to the non-signing inventor, Mr. Leleu, at his last known address was received on August 9, 2002 and accepted by a person at the inventor's last known address; 3) a copy of a second, Sept. 9, 2002, letter sent with another complete copy of the patent application by Mr. Straub to Mr. Leleu, the non-signing inventor, again requesting that the declaration for the above referenced patent application be executed and returned for filing with the U.S. Patent Office; 4) Federal Express proof that the second letter addressed to the non-signing inventor was received on Sept. 11, 2002 and accepted by a person at the inventor's last known address; 5) copies of excerpts of an unsuccessful Internet search made by Mr. Straub in an attempt to discover a telephone number for Mr. Leleu in the city of his last known address and an attempt to discover a new address for Mr. Leleu.

In view of Mr. Straub's Declaration (Appendix A), and the attachments to the Declaration, it is respectfully submitted that Applicant has satisfied Petition requirement (2) by providing ample factual proof that "the inventor refuses to execute the application or cannot be reached after diligent effort."

B. Petition Item (4) Has Been Satisfied

With regard to item (4) the Decision states:

... a declaration has been provided executed by Mr. Henri Dupont, Attorney in Fact, stating that he is authorized to sign on behalf of the corporation for the non-signing sole inventor, Mr. Leleu. However, the declaration fails to set forth the citizenship of the inventor.

The previously signed and submitted Invention Specification submitted with the previous petition, hereby incorporated by reference into the current Renewed Petition, established ownership of the invention by Schlumberger Industries, SA. Applicant submits herewith in Appendix B a copy of an agreement between Schlumberger Industries, S.A. and Actaris SAS documenting that the rights to the above referenced patent application have been conveyed to Actaris SAS who is now the current party of interest. Exhibit B in combination with the previously submitted Invention Specification establishes the proprietary interest of Actaris SAS in the above referenced patent application.

Submitted herewith as Appendix C is a Declaration, Power of Attorney and Petition, executed by Gerard Gallez, President of Actaris SAS, stating that he is authorized to sign on behalf of Actaris, SAS for the non-signing sole inventor, Mr. Christophe Leleu. This new Declaration sets forth the citizenship of the inventor and fully satisfies Petition item (4).

Appendix D includes a Declaration by the translator and a new certified translation of the PCT Application.

In view of the above remarks, submission of a new translation, the Declarations and other evidence submitted herewith, it is respectfully requested that this renewed petition under 37 C.F.R. 1.47(b) be granted.

Respectfully submitted:

September 27, 2002

Michael P. Straub
Michael P. Straub, Attorney
Reg. No. 36,941
Customer No. 26479
(732) 335-1222

STRAUB & POKOTYLO
Attorneys at Law
One Bethany Road
Suite 83, Building 6
Hazlet, New Jersey 07730

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

Michael P. Straub

Type or print name of person signing certification

Michael P. Straub
Signature

Sept. 27, 2002
Date